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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 000187

SIPDIS

E.O. 12958: DECL: 01/18/2019

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [AF](#)

SUBJECT: AFGHAN MPS PUSH FOR ELECTORAL REFORMS, POSSIBLE
ELECTION DELAY, AND END THEIR SESSION

REF: KABUL 4151

Classified By: PolCouns Annie Pforzheimer reasons 1.4 (b) and (d).

¶1. (C) Summary: Immediately before going on recess until February 20, the Afghan Lower House (Wolesi Jirga - WJ) voted to approve a list of necessary conditions for 2010 Parliamentary elections. The MPs designated WJ Speaker Yunus Qanooni to represent the legislative branch and meet with the Executive and Judicial branches regarding the Afghan government's need to: 1) ensure adequate security for the elections and disarm illegal groups; 2) reform the Independent Elections Commission (IEC); 3) amend the electoral law; and 4) if possible, distribute national ID cards. For even some of these requirements to be met, the elections would need to be delayed until at least the fall of 2010, a point not lost on the MPs who claim there are legal ways to allow for such a delay without a constitutional crisis. Parliament's stand on the need for electoral reform and a possible delay in the 2010 elections indicates that there is Afghan support for this position (the same one held by the international community.) We are also hearing that the IEC may soon announce a decision to postpone the elections, bowing to pressure from all sides. We will continue to frame discussion of these issues within Afghan concerns and in concert with the international community. End Summary.

MPs Take a Stand

¶2. (U) On January 17 the WJ debated the numerous challenges that would affect holding on-time 2010 Parliamentary elections. The most important issue for many MPs during the plenary session debate was the need for IEC reform, in particular a change in senior IEC leadership. Many MPs said Afghans had lost faith in the elections due to IEC involvement in fraud in 2009.

¶3. (U) In addition, some MPs said security was an issue in several provinces and would prevent the enfranchisement of many Afghans, while others asserted that both security and weather (snows that do not melt until late Spring) would challenge proper voter registration before May. MPs also said it was in Afghanistan's interest to work with the International Community and NATO, and not move forward with the elections without their support. The MPs also discussed the need for the IEC to establish a clear elections timeline, while the Afghan government must also ensure the proper disarmament of illegal armed groups.

¶4. (U) Following the plenary debate, WJ Speaker Qanooni suggested that four necessary conditions for the 2010 Parliamentary elections be voted upon. The majority of MPs approved the list, and asked Qanooni to represent the legislative branch in a meeting with the executive and judicial branches during the Parliamentary recess. The MPs

demanding that lessons learned must be discussed and solutions developed and implemented before the next elections take place. (Note: To our knowledge, this meeting on the 2010 elections has not been scheduled. End Note.)

Delay Past the Fall Remains Controversial

¶5. (SBU) Many MPs have told us that there is a growing momentum across the political spectrum for electoral reform and a possible delay of the 2010 elections (reftel). However, a delay beyond 2010 remains unpopular, in particular with Pashtuns and many pro-Karzai MPs, although former Northern Alliance (NA) hard-liners want at least a year delay. The motivations for both groups are mirror opposites; those in power do not want to lose it, while former NA politicians seek a constitutional crisis to erode Karzai's power. In addition, the NA wants to press for constitutional reform that would cause a devolution of power to the provinces, along the lines of a Parliamentary system.

¶6. (U) Several MPs claim that a delay until October would not cause a constitutional crisis because even though elections took place on September 18, 2005, the WJ MPs actually were not sworn in until December so their mandate will still be valid until December 2010. The Constitution stipulates that the elections must take place 30 - 60 days before the end of the MPs' term, therefore allowing elections to take place sometime between October and November 2010. Notwithstanding this train of logic, the Constitution also specifically stipulates that the elections must take place

KABUL 00000187 002 OF 002

30-60 days before 22 June (the first day of the lunar month of Saratan), so there could be some obstacles to this interpretation.

And Then They Left Town

¶7. (U) After the electoral reform debate, the WJ dismissed itself for recess until February 20. The President's spokesman stated January 18 that the President would introduce names for the ten remaining ministries needing confirmation after Parliament returns. President Karzai appointed acting ministers, including a number of former ministerial candidates who were voted down by the WJ, despite a WJ law passed January 17 that prohibits the President from appointing ministers who had failed the vote of confidence as acting ministers. That bill has not been approved by the Upper House and the President, and therefore does not yet have the force of law.

Comment

¶8. (SBU) The WJ's engagement on the upcoming Parliamentary elections is the first active involvement of Afghans outside of the Executive and the IEC in the ongoing debate over Afghanistan's parliamentary elections timeline, and is a good indication of broad domestic political support for reforms that the international community also espouses. Parliament's public declaration is likely to help shift the balance in favor of delaying the elections until the late summer or early fall. We have heard from reliable contacts that the IEC may postpone the elections before the candidate nomination period starts on January 23. The Ambassador and D/Ambassador will meet with Lower House Speaker Qanooni and former Presidential candidate Dr. Abdullah Abdullah during the next week to discuss the 2010 elections and necessary reforms. We will continue to frame the discussion of these issues in the Afghan context and coordinated with the international community's position. End Comment.

